IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6398 OF 2005

Grant Medical Foundation. ...Petitioner
V/s.
Union of India & Ors. ...Respondents

Mr.S.R. Nargolkar for Petitioner.
Mr.Pradeep Jetley for Respondents-Union of India.

CORAM : F.I. REBELLO AND SMT.R.S. DALVI, JJ.

DATED : NOVEMBER 17, 2005

P.C. :-

. Rule. Heard forthwith. The petitioners herein have preferred the present petition. Perused the order dated 7th June, 2005 whereby the petitioners were informed that the reply submitted to the Show Cause Notice has been duly examined by the Constituted Standing Committee and the Committee did not find any merit in the explanation given by the hospital and the suspension of referral of CGHS patient to the hospital continues.

2. It is the case of the petitioners that the Show Cause Notice received by them dated 14th October, 2003 was replied by them by communication dated 27th October,

2003. Each and every case was explained and in these circumstances, the decision of the Committee to continue the suspension is arbitrary and/or as no reasons have been given for suspension, the same is arbitrary.

3. The contractual period came to an end on 2nd September, 2004. The suspension was enforced sometime from October 2003. A period of two years has elapsed. The petitioners thereafter applied afresh by representation dated April 27, 2004. That has yet to be considered. It is the contention of the petitioners that they have rendered services to CGHS beneficiaries for the past 35 years and except for the present incident, there have been no earlier case where the hospital was suspended and their treatment of CGHS beneficiaries was cancelled.

4. Considering the above and as two years has expired since the period of suspension, the respondents to consider the application by the petitioners dated April 27, 2004 and dispose the same within twelve weeks from today. Rule made absolute accordingly. No order

as to costs.

5. It is made clear that the fact that the petitioners were earlier suspended, that by itself should not be a ground not to consider the application on merits considering the past 35 years of service that the petitioners rendered for CBHS Beneficiaries.

(F.I. REBELLO, J.)

(SMT.R.S. DALVI, J.)